



Inter Department Correspondence Sheet

TO: Members of City Council

FROM: Breck Daughtrey, City Clerk

COPIES TO: \_\_\_\_\_

SUBJECT: Minutes of City Council Meeting

July 12, 2013

Attached are the minutes of the City Council meeting held on Tuesday, July 9, 2013.

Breck

## **NORFOLK, VIRGINIA**

### **REGULAR SESSION OF COUNCIL**

**TUESDAY, JULY 9, 2013**

President Fraim called the meeting to order at 5:20 p.m. with the following members present: Mr. Riddick, Mr. Smigiel, Dr. Whibley, Ms. Williams and Mr. Winn. Mr. Burfoot arrived at 6:30 p.m. Mr. Protogyrou departed at 5:15 p.m. for a family matter.

He thereupon called for the first item of business.

#### **A. AGENDA OVERVIEW**

The City Manager stated the Environmental Commission meets with council tonight and noted other agenda items

#### **B. ENVIRONMENTAL COMMISSION**

##### **PRESENTATION**

John Keifer, Director of Public Works, introduced members of the Commission as follows: Ron Wilson, Chairman, Debra Mosher, Audrey Webb, Ken Parker, Stephen Leaman, David Crandall, and Ellis James.

Ron Wilson, commission chair, reported as follows:

- Reviewed the composition of the commission and its history, mission and activities.
- Reviewed the commission's integrated approach to environmental sustainability, its' Keep Norfolk Beautiful Program and the extent of the commission's contribution to making Norfolk a more sustainable community including volunteer efforts, education outreach and neighborhood environmental projects.

Discussion occurred with the commission regarding involving Norfolk Public Schools in the recycling program and about efforts to reduce use of plastic bags.

### **C. COUNCIL INTERESTS**

1. Councilwoman Williams asked if there are plans to install another computer kiosk in the lobby of City Hall at the other end of the building.
2. Councilman Smigiel expressed concern that storm water drain barriers are not being removed after construction is complete.
3. Councilwoman Whibley stated that the Colonial Place neighborhood sign is in disrepair and needs to be replaced.
4. The following comments were made during Police Chief Goldsmith's Mid-Year Update:
  - Councilman Riddick a) commented on the lack of information provided on drug related crime and arrests and asked for that in the Chief's next report and b) commented on the diversity of the Police Department and asked how many Blacks, Hispanics and women are included in the 740 officers.
  - Mayor Fraim a) asked if drug use is growing in the city; b) asked for statistics on accidents and injuries resulting from pursuits; and c) asked for a breakdown of the composition of the police force.

### **D. MID-YEAR POLICE UPDATE**

#### **PRESENTATION**

Norfolk Police Chief Mike Goldsmith reported as follows:

- Homicides are down year-to-date from 2012; forcible rape is down; robbery is significantly down.
- Aggravated assaults are up with most being domestic incidents occurring indoors.
- Total violent crime is up slightly year over year.
- Burglary is significantly up, many committed by about 15 serial burglars.
- Larcenies are down this year compared to last.
- Stolen autos are up.
- Total property crime is up slightly for the first six months of the year from same time last year.
- Total crime is slightly up.

Chief Goldsmith reported as follows on Vehicle Pursuit Policy:

- Norfolk Police Department is extremely sensitive to pursuits and that the department is accredited.
- There are policies governing pursuit as well as a general order.

- High speed pursuit is not to be used where there is another means of apprehension; the prohibition does not apply to reasonable efforts to immediately apprehend violent felons or persons who are an imminent danger to the community.
- The number of pursuits has declined since 2009.

The Chief next reviewed sworn personnel demographic as follows:

- Education: Associate Degree: 97; Bachelors Degree: 140; Masters: 14.
- Veterans: 39% have prior military service.
- Random drug screening is routinely conducted and mandatory testing for drug and alcohol when a traumatic incident occurs.
- Regarding steroid use - steroid use is illegal but routine testing is not performed.
- A Critical Incident Stress Management team provides counseling to all employees involved in traumatic duty-related incidents and officers are required to be counseled.

Mr. Riddick asked about demographic composition of the department. The Chief responded 12% are minorities and the department is working hard to recruit minorities.

Mr. Riddick commented on the prevalence of gun violence and the number of guns in the city and region and asked what the department is doing to get guns off the streets. The Chief responded Norfolk Police Department works with state and federal law enforcement agencies on this.

Mayor Fraim asked for a breakdown of the composition of the police force.

## **E. V3 INITIATIVE UPDATE**

John Andrews, Special Assistant to the City Manager, reported as follows on this item:

- Norfolk won a silver certification from the state for its veteran's initiative.
- The next step is to retain the employees hired.
- Norfolk exceeded its hiring pledge for veterans and this aided in achieving silver certification.

## **F. GEM PROGRAM POLICY OVERVIEW**

### **PRESENTATION**

Darrell Hill, Assistant City Manager, reported as follows on this item:

- Reviewed criteria for GEM parcels.
- Primary re-use for the properties are for public and private spaces, specifically new homes.
- A review committee meets regularly to discuss lots and make recommendations for disposition.
- Policies were reviewed for disposition of GEM lots.
- Program objectives include creating more conforming lots and reduce non-standard lots; create in-fill housing; increase housing inventory; place previously delinquent properties back on the tax roll.
- A Resolution will be prepared for council action to adopt the GEM program policies and procedures.

## **NORFOLK, VIRGINIA**

### **ACTION OF THE COUNCIL**

**TUESDAY, JULY 9, 2013 – 7:00 P.M.**

Prayer offered by Councilwoman Angelia Williams, followed by the Pledge of Allegiance.

President Fraim moved to excuse Mr. Protogyrou from today's meeting.

**Motion adopted.**

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

### **PUBLIC HEARINGS**

PH-1

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **May 21, 2013**, under State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **William Brizzie and Kelley Brizzie** on property located at **SS Portal Road**.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to **William Brizzie and Kelley Brizzie**, of a certain parcel of property, acquired by the City of Norfolk pursuant to section 58.1-3970.1 of the code of Virginia, 1950, as amended, and approving the terms and conditions of the conveyance agreement," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

**PH-2**

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **May 21, 2013**, under State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **Mark A. McKoy** on property located at **848 Round Bay Road**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to **Mark A. McKoy**, of a certain parcel of property, acquired by the City of Norfolk pursuant to section 58.1-3970.1 of the code of Virginia, 1950, as amended, and approving the terms and conditions of the conveyance agreement,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

**PH-3**

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **May 21, 2013**, under State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **Gary Anderson and Elaine Anderson** on property located at **ES Wayne Circle**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to **Gary Anderson and Elaine Anderson**, of a certain parcel of property, acquired by the City of Norfolk pursuant to section 58.1-3970.1 of the code of Virginia, 1950, as amended, and approving the terms and conditions of the conveyance agreement,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-4

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **May 21, 2013**, under State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **Calvin Burke** on property located at **2600 Ruffin Way**.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to **Calvin Burke**, of a certain parcel of property, acquired by the City of Norfolk pursuant to section 58.1-3970.1 of the code of Virginia, 1950, as amended, and approving the terms and conditions of the conveyance agreement,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-5

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **May 21, 2013**, under State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **Primus Anderson and Nicole Mayberry** on property located at **WS Maltby Avenue**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to **Primus Anderson and Nicole Mayberry**, of a certain parcel of property, acquired by the City of Norfolk pursuant to section 58.1-3970.1 of the code of Virginia, 1950, as amended, and approving the terms and conditions of the conveyance agreement,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.



PH-6

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **May 21, 2013**, under State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **Rachel Goss** on property located at **866 Fremont Street**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to **Rachel Goss**, of a certain parcel of property, acquired by the City of Norfolk pursuant to section 58.1-3970.1 of the code of Virginia, 1950, as amended, and approving the terms and conditions of the conveyance agreement,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-7

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **May 21, 2013**, under State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the sale of land from the City of Norfolk to **2610 Church Street, LLC, located at 2602 Church Street**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the sale of certain property known as **2602 Church Street, Norfolk, Virginia** to 2610 Church Street, LLC for the sum of \$20,000.000 and authorizing the City Manager to execute the Purchase and Sale Agreement,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-8

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **June 11, 2013**, under State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission** to amend the **Zoning Ordinance of the City of Norfolk, 1992**, to amend **Section 13-3, “Zoning Certificate Required,”** to exempt fences that are not located within the required corner side yard from the requirement of obtaining a zoning certificate.

Thereupon, an Ordinance entitled, “An Ordinance to amend and reordain **Sections 13-3, 13-6.3, and 19-1** of the **Zoning Ordinance of the City of Norfolk, 1992**, in order to remove the requirement of obtaining a Zoning Certificate prior to the construction of a conforming fence or wall located in a front yard, side yard, or rear year and to make other clarifications regarding fences and walls,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

### **CONSENT AGENDA**

C-1 Letter from the City Manager recommending a public hearing be held to hear comments on the conveyance of a **GEM Lot** to **Robert Baker and Vickie Baker** on property located at **NS C Avenue**.

**ACTION:** City Clerk authorized to advertise for a public hearing on July 23, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

C-2 Letter from the City Manager recommending a public hearing be held to hear comments on the conveyance of a **GEM Lot** to **Ricky Flood and Debbie Flood** on property located at **WS Lens Avenue**.

**ACTION:** City Clerk authorized to advertise for a public hearing on July 23, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

C-3 Letter from the City Clerk transmitting an **Abstract of Votes** cast in the City of Norfolk at the Democratic Primary Election on June 11, 2013, pursuant to **Section 24.2-675** of the **Code of Virginia**.

**ACTION:** Received and filed.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

## **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting Growing Norfolk, L.L.C. to encroach into the right-of-way of Granby Street with a blade sign, sign lights, and continuous wood cornice at **429 Granby Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the acquisition of perpetual right of way easement and a temporary construction easement from Michael L. Barnes, over certain property located at **2922 Cape Henry Avenue**, Norfolk, Virginia, and authorizing the expenditure of the sum of \$795.00 from funds heretofore appropriated, for the purchase of the easements,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Falkner Properties, LLC** to encroach into the city right-of-way at **4020 Llewellyn Avenue** 10’-12’, more or less with a fence and playground, 2’, more or less with a sandbox, 9’, more or less with a wood deck and 16’ with a sign,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance to repeal two subsections of Section 25-652, one subsection of Section 25-654, and to amend and reordain section 25-654 if the Norfolk City Code, 1979, **SO AS TO** add eight new stop intersections,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an Encroachment Agreement with Chick-Fil-A, Inc., for property on Armistead Avenue at **1600 Monticello Avenue**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance to schedule a City Council meeting on **Tuesday, July 16, 2013** at 2:00 p.m.,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 9, 2013.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

## **NEW BUSINESS**

1. Dan Montague, 4605 Krick Street, commented that he does not believe the city should have received the All America City Award for various reasons.
2. Alton Robinson, 735 West 35<sup>th</sup> Street, commented on the improvement of police officers attitude who stopped by a party for teenagers in his community. He asked that the positive message be relayed to Chief Goldsmith.

3. Jane Bethel, 5632 Brandon Boulevard, thanked council for extra leave day and annual raise for city employees. Commented on the policy and procedures for investigative hearings.
4. Donald Hornstein, 603 Westover Avenue, spoke concerning status of the closing of the building on property located at 161 Granby Street.
5. Danny Lee Ginn, 3845 Dare Circle, spoke concerning good government.